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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/815,168	03/11/1997	MICHAEL J. FREEMAN	5038	5518

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EXAMINER

TRAN, HAI V

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 12/19/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/815,168

Applicant(s)

MICHAEL J. FREEMAN

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 18-31 and 39-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 18-31 and 39-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 21,22,25. 6) ☐ Other: _____

DETAILED ACTION

Priority

During the telephone interview of December 14th, 2001, the Examiner again indicated to the Applicant that this application discloses and claims only subject matter disclosed in prior Application No. 08/598,382, filed on Feb. 8, 1996, and names an inventor or inventors named in the prior application. The elements used in this application such as branching codes, graphics signals, microprocessor, etc... could not be found anywhere in any prior applications of 08/443,607; 08/166,608 and 07/797,298. Therefore, the effective filing date of the instant application is February 8, 1996.

The Examiner advises the Applicant to use the same terminology as in the previous applications in order to entitle to the priority claimed.

Response to Arguments

Applicant's arguments filed 10/09/2001 have been fully considered but they are not persuasive

Regarding claims 3, 7, 22-25, 29-31 and 38-52, Applicant argued that Harper et al. does not disclose the transmission of a plurality of digitally compressed video signals for interactive programming.

In response, the Examiner respectfully disagrees because Applicant cannot show non-obviousness by attacking references individually where, as here the rejection are based on combination of references. In re Keller, 208 USPQ 871 (CCPA 1981).

Regarding claims 25, 30 and 45, Applicant traversed the Official Notice of the integration of URLs and video signals.

In response, the Examiner cites Harrison et al. (US 6,072,521) Col.4, lines 1-13 to support the Examiner's Official Notice.

Drawings

This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7, 18-24, 26-29, 31, 39-44 and 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III (US 5,600,368) in view of Harper et al. (US 5,585,858).

Regarding claim 1, Matthews discloses a live interactive digital programming system, comprising:

A viewer television reception system for receiving live interactive programming, the live interactive programming (Fig.5 and 8) comprising a plurality of digitally video signals(Col.7, lines 20-65).

Matthews does not clearly disclose a viewer television reception system for receiving branching codes and compressed video signals and audio signals; However, Matthews discloses the live interactive programming composite stream carries virtual channels and primary channels and appropriate information which coordinate the composite signals and independent camera viewpoints in which a televised event must comprises audio and video signals.

Harper discloses an interactive programming comprising a plurality of digitally compressed video, audio, branching codes and graphics signals (Introduction, Col.5, lines 40-60; specially lines 40-42), and the reception system comprising:

A viewer interface for receiving viewer entries (Col.6, lines 1-5);

A microprocessor 178, connected to the viewer interface, for selecting one each of the plurality of video signals and audio signals and directing a seamless switch to at least one of the selected video signals and audio signals at a predetermined time, the selection of the selected video signals and selected audio signals and the predetermined time of each selection a function of the at least one of the branching codes and the received viewer entries; a demultiplexer 700, for demultiplexing a video signal and audio signals; a decompressor/decoder 702, 704, 706, 708, 710 connected to the demultiplexer 700 for decompressing the demultiplexed a video signal and audio signals; a means for displaying the selected

video signal; and a means for playing the selected audio signal (Fig.5, 8, Col.13, lines 13-37, Col.16, lines 18-35 and Col.15, lines 1-18). Even though Harper shows only on video signal, but Harper suggests that it could be done with multiple video signals (Col.5, lines 40-42) . Therefore, it would have been obvious to one of ordinary skill in the art to modify Matthews by integrating an interactive programming system comprising a plurality of digitally compressed video, audio, branching codes and graphics signals, as taught by Harper, in order to provide a system where full interactivity is provided in the same bandwidth as required by a standard television signal to every home, regardless of transmission media as suggested by Harper (Col.1, lines 50-65+).

Regarding claim 2, Matthews further discloses wherein the plurality of video signals correspond respectively to a plurality of different predetermined camera angles of live event (Col.3, lines 20-25) and Harper discloses a plurality of digitally compressed video signals (Col.5, lines 40-42).

Regarding claim 3, Harper further discloses wherein the live interactive programming further comprises a graphic signal wherein the microprocessor selects the graphics signal (trigger points) at a predetermined time, the selection of graphics signal a function of at least one of the branching codes and the received viewer entry and wherein the live interactive digital programming system further comprises a means, connected to the microprocessor, for presenting the selected graphics signal on the display means (Col.15, lines 48-Col.16, lines 25 and col.18, lines 60-Col.19, lines 20).

Regarding claim 4, Harper further discloses wherein the display means presents at least one interrogatory to the viewer, the content of the interrogatory involving program options, and the viewer entry comprises a response to at least one interrogatory (Col.17, lines 34- Col.18, lines 10).

Regarding claim 5, see analysis of claim 1 and Harper further discloses a memory 282 for storing a viewer profile (Col.23, lines 10-15).

Regarding claim 6, see analysis of claim 2.

Regarding claim 7, see analysis of claim 3.

Regarding claim 18, see analysis of claim 1.

Regarding claims 19, 20 and 21, both Matthews (Fig.7) and Harper (Col.4, lines 1-5) further disclose wherein the digital program stream is received from a satellite transmission system, a cable distribution system, and a broadcast transmission system.

Regarding claim 22, Harper (Col.4, lines 1-5) further discloses wherein the digital program stream is received within a private network (Col.22, lines 50-Col.23, lines 7).

Regarding claim 23, both Matthews (Col.7, lines 33-45; Fig.2) and Harper (Col.6, lines 23-28) further disclose wherein the combined digital program stream is received within an in-stadium network.

Regarding claim 24, Harper further discloses wherein the system is embodied in a computer workstation (Fig.1, element 187).

Regarding claim 26, see analysis of claim 2.

Regarding claim 27, both Matthews (Col.3, lines 18-20) and Harper (Col.13, lines 23-30) further disclose wherein one of the pluralities of digital video signals corresponds to a main program video feed.

Regarding claim 28, Harper further discloses wherein each of the plurality of digital video signals corresponds respectively to each of the plurality of audio signals (Fig.5, Col.13, lines 30-35).

Regarding claim 29, see analysis of claim 1 and Col.5, lines 60-Col.4, lines 14 and Col. 23, lines 35-Col.25-55.

Regarding claim 31, Harper further discloses wherein the information address segments are database indexes on networks (Col.24, lines 50-55).

Regarding claim 39, see analysis of claim 1.

Regarding claims 40, 41 and 42, see analysis of claims 19, 20 and 21.

Regarding claim 43, see claim 22.

Regarding claim 44, see claim 23.

Regarding claim 46, Harper further discloses the steps of
Gathering viewer specific information (Col.24, lines 40-45);
Creating a viewer profile with gathered viewer specific information (Col.23, lines 10-15); wherein selecting the video and audio signals is based in part on the viewer profile. (Col.24, lines 10-Col.25, lines 30).

Regarding claim 47, Harper further discloses the steps of storing the viewer profile in a database (Col.23, lines 10-14).

Regarding claim 48, Harper further discloses wherein the database is located at a site remote from the receive site (Col.23, line 10-14).

Regarding claim 49, Harper further discloses wherein the database is located at the receive site.

Regarding claim 50, Harper further discloses wherein the step of obtaining viewer specific information further comprises the steps of:

Displaying an interrogatory to the viewer, the content of the interrogatory involving program options;

Collecting an entry from the viewer in response to the interrogatory; and wherein the step of selecting is based at least in part on the collected viewer entry (Col.24, lines 35 - Col.25, lines 55).

Regarding claim 51, see analysis of claim 29.

2. Claims 25, 30, 45 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III (US 5,600,368) in view of Harper et al. (US 5585858) and further in view of Harrison et al. (US 6072521).

Regarding claims 25 and 30, both Matthews and Harper do not clearly disclose wherein the digital program stream is received over the Internet and the information address segments are URL, the URL specifying Internet Web site address.

Harrison discloses wherein the digital program stream is received over the Internet and the information address segments are URL, the URL specifying Internet

Web site address (Col.4, lines 1-13; Col.9, lines 24-49); Therefore, it would have been obvious to one in the ordinary skill in the art to modify Matthews and Harper to use Internet as a way of communication and embedded URL into the TV broadcast signal, so that the broadcaster could deliver interactive television experiences that can be authored once using a variety of tools and deploy to a variety of base receivers such as set-top box, computers and televisions.

Regarding claim 45, see claim 25.

Regarding claim 52, see analysis of claim 30.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Fax Information

Any response to this action should be mailed to:

Application/Control Number: 08/815,168
Art Unit: 2611

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Washington, D.C. 20231

or Faxed to: (703) 872-9314
(for formal communication intended for entry) or
(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

HT:ht
12/17/01


ANDREW FAILE
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